

109TH CONGRESS
2D SESSION

H. R. 4696

To make certain reforms in lobbying, ethics, and campaign finance laws,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2006

Mr. ROGERS of Michigan introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Government Reform, House Administration, Rules, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make certain reforms in lobbying, ethics, and campaign
finance laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Restoring Trust in Government Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LOBBYING REFORM

- Sec. 101. Independent commission on lobbying and ethics.
- Sec. 102. Lobbying disclosure reports to be made monthly and online.
- Sec. 103. Criminal penalties for failure to comply with lobbying disclosure requirements.
- Sec. 104. Suspension of floor privileges for former Members and officers who are registered lobbyists.
- Sec. 105. Expansion of one-year prohibition on lobbying by senior congressional staff to cover lobbying any Member or committee.
- Sec. 106. Four-year prohibition on Federal employees lobbying Congress for foreign governments.

TITLE II—ADMINISTRATIVE REFORMS

- Sec. 201. Random audits of Members' annual financial disclosure statements.
- Sec. 202. Criminal penalties for intentionally misrepresenting facts on financial disclosure statement.
- Sec. 203. Independent commission required to affirmatively approve all privately funded travel by Members and staff.
- Sec. 204. Federal pension revoked if Member or staff is convicted of any Federal offense related to bribery.

TITLE III—INDIAN GAMBLING REFORM

- Sec. 301. Indian gambling reform.

TITLE IV—CLOSING LOOPHOLES IN CAMPAIGN FINANCE LAW

- Sec. 401. Treatment of Indian tribes as corporations for purposes of regulation of campaign spending.
- Sec. 402. Prohibiting section 527 organizations from disbursing funds for electioneering communications.

1 **TITLE I—LOBBYING REFORM**

2 **SEC. 101. INDEPENDENT COMMISSION ON LOBBYING AND** 3 **ETHICS.**

4 (a) ESTABLISHMENT.—There is hereby established in
5 the legislative branch a commission on lobbying and eth-
6 ics.

7 (b) DUTIES.—The duties of the commission shall be
8 to carry out this Act and any other duties assigned to the
9 commission under law.

10 (c) MEMBERS.—The commission shall be composed
11 of 4 members appointed as follows:

1 (1) 1 member appointed by the Speaker of the
2 House of Representatives.

3 (2) 1 member appointed by the minority leader
4 of the House of Representatives.

5 (3) 1 member appointed by the majority leader
6 of the Senate.

7 (4) 1 member appointed by the minority leader
8 of the Senate.

9 (d) TERMS.—Each member shall be appointed for a
10 term of 2 years. Any member appointed to fill a vacancy
11 occurring before the expiration of the term for which the
12 member's predecessor was appointed shall be appointed
13 only for the remainder of that term. A member may serve
14 after the expiration of that member's term until a suc-
15 cessor has taken office. A vacancy in the commission shall
16 be filled in the manner in which the original appointment
17 was made.

18 (e) BASIC PAY.—Members shall each be paid no more
19 than the maximum annual rate of pay for any employee
20 of the House of Representatives whose pay is disbursed
21 by the Chief Administrative Officer of the House of Rep-
22 resentatives, as set forth under an order of the Speaker
23 of the House of Representatives pursuant to the authority
24 vested in the Speaker under section 311(a) of the Legisla-
25 tive Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a).

1 (f) QUORUM.—3 members of the commission shall
2 constitute a quorum but a lesser number may hold hear-
3 ings.

4 (g) CHAIRPERSON.—The Chairperson of the commis-
5 sion shall be designated by the Speaker of the House of
6 Representatives.

7 (h) FEE-BASED FUNDING.—The commission shall,
8 under such regulations as the commission may prescribe,
9 charge and collect, from persons required to register under
10 the Lobbying Disclosure Act of 1995, reasonable fees to
11 cover the estimated cost to the commission incident to the
12 performance of its duties. The fees authorized by this sub-
13 section shall, as nearly as practicable, cover the costs of
14 the commission incident to its performance of its duties.
15 Such fees shall be deposited into a fund which shall be
16 available without fiscal year limitation for the expenses of
17 the commission incident to performing its duties.

18 **SEC. 102. LOBBYING DISCLOSURE REPORTS TO BE MADE**
19 **MONTHLY AND ONLINE TO COMMISSION.**

20 (a) IN GENERAL.—In addition to any other report
21 required by section 5 of the Lobbying Disclosure Act of
22 1995 (2 U.S.C. 1604), each registrant under that Act
23 shall file a monthly report with the commission established
24 under section 101. The report shall cover the lobbying ac-

1 tivities that relate to Congress. A separate report shall be
 2 filed for each client of the registrant.

3 (b) MANNER OF FILING.—Each report required by
 4 subsection (a) shall cover a calendar month. It shall be
 5 filed in electronic form immediately after the end of that
 6 month.

7 (c) CONTENTS.—Each such report shall include all
 8 the matters specified in section 5(b) of the Lobbying Dis-
 9 closure Act of 1995, except that the report shall cover—

10 (1) only the calendar month; and

11 (2) only activities that relate to Congress.

12 (d) PUBLICATION ONLINE.—Upon receiving a report
 13 under this section, the commission shall immediately make
 14 that report available to the public on the Internet.

15 **SEC. 103. CRIMINAL PENALTIES FOR FAILURE TO COMPLY**
 16 **WITH LOBBYING DISCLOSURE REQUIRE-**
 17 **MENTS.**

18 Section 7 of the Lobbying Disclosure Act of 1995 (2
 19 U.S.C. 1606) is amended by striking “shall, upon proof”
 20 and inserting “shall—

21 “(A) be fined under title 18, United States
 22 Code, or imprisoned not more than 1 year, or both;
 23 and

24 “(B) upon proof”.

1 **SEC. 104. SUSPENSION OF FLOOR PRIVILEGES FOR**
 2 **FORMER MEMBERS AND OFFICERS WHO ARE**
 3 **REGISTERED LOBBYISTS.**

4 Clause 4(a) of rule IV of the Rules of the House of
 5 Representatives is amended by inserting “(A)” after
 6 “(1)”, by striking “(2)” and inserting “(B)”, by striking
 7 the period at the end thereof and inserting “; or”, and
 8 by adding at the end the following new subparagraph:

9 “(2) they are not lobbyists registered under the
 10 Lobbying Disclosure Act of 1995 or any successor
 11 statute or lobbyists who, as employees of an organi-
 12 zation, are covered by the registration of any such
 13 organization under that Act or any successor law.”.

14 **SEC. 105. EXPANSION OF ONE-YEAR PROHIBITION ON LOB-**
 15 **BYING BY SENIOR CONGRESSIONAL STAFF**
 16 **TO COVER LOBBYING ANY MEMBER OR COM-**
 17 **MITTEE.**

18 Section 207(e) of title 18, United States Code, is
 19 amended—

- 20 (1) in paragraph (1)(A), by striking “or (C)”;
- 21 (2) by striking paragraph (1)(C);
- 22 (3) in paragraph (2)(B), by striking “are the fol-
- 23 lowing:” and all that follows through the period at
- 24 the end and inserting “are any Member, officer, or
- 25 employee of either House of Congress, and any em-

1 ployee of any other legislative office of the Con-
2 gress.”;

3 (4) in paragraph (3), by striking “any person
4 who is a Member or an employee of that committee
5 or who was a Member of the committee in the year
6 immediately prior to the termination of such per-
7 son’s employment by the committee,” and inserting
8 “any person who is a Member, officer, or employee
9 of either House of Congress, or any employee of any
10 other legislative office of the Congress,”;

11 (5) in paragraph (4)(B), by striking “are the
12 following:” and all that follows through the period at
13 the end and inserting “are any Member, officer, or
14 employee of either House of Congress, and any em-
15 ployee of any other legislative office of the Con-
16 gress.”;

17 (6) in paragraph (5)(B), by striking “are the
18 employees and officers” and all that follows through
19 the period at the end and inserting “are any Mem-
20 ber, officer, or employee of either House of Con-
21 gress, and any employee of any other legislative of-
22 fice of the Congress.”; and

23 (7) in paragraph (6)(A), by striking “termi-
24 nated, was paid a rate of” and inserting “termi-
25 nated—

1 “(i) had responsibilities a significant por-
 2 tion of which related to the development of pol-
 3 icy; or

4 “(ii) was paid a rate of”.

5 **SEC. 106. FOUR-YEAR PROHIBITION ON FEDERAL EMPLOY-**
 6 **EES LOBBYING CONGRESS FOR FOREIGN**
 7 **GOVERNMENTS.**

8 Section 207(f) of title 18, United States Code, is
 9 amended—

10 (1) by redesignating paragraphs (2) and (3) as
 11 paragraphs (3) and (4), respectively; and

12 (2) by inserting after paragraph (1) the fol-
 13 lowing new paragraph:

14 “(2) LOBBYING CONGRESS.—(A) Any person
 15 who is subject to the restrictions contained in sub-
 16 section (c), (d), or (e) and who knowingly, within 4
 17 years after leaving the position, office, or employ-
 18 ment referred to in such subsection, makes, with the
 19 intent to influence, any communication to or appear-
 20 ance before any person described in subparagraph
 21 (B), on behalf of any foreign entity in connection
 22 with any matter on which such person or foreign en-
 23 tity seeks action by a Member, officer, or employee
 24 of either House of Congress, in his or her official ca-

1 pacity, shall be punished as provided in section 216
2 of this title.

3 “(B) The persons referred to in subparagraph
4 (A) are any Member, officer, or employee of either
5 House of Congress, and any employee of any other
6 legislative office of the Congress.”.

7 **TITLE II—ADMINISTRATIVE**
8 **REFORMS**

9 **SEC. 201. RANDOM AUDITS OF MEMBERS’ ANNUAL FINAN-**
10 **CIAL DISCLOSURE STATEMENTS.**

11 (a) IN GENERAL.—The commission established by
12 section 101 shall—

13 (1) randomly select reports filed under title I of
14 the Ethics in Government Act of 1978 by Members
15 of Congress; and

16 (2) carry out a thorough audit of each report
17 so selected.

18 (b) SECRETARY AND CLERK TO PROVIDE.—The Sec-
19 retary of the Senate and the Clerk of the House shall pro-
20 vide to the commission established by section 101 each re-
21 port filed under title I of the Ethics in Government Act
22 of 1978 by every Member of Congress.

1 **SEC. 202. CRIMINAL PENALTIES FOR INTENTIONALLY MIS-**
2 **REPRESENTING FACTS ON FINANCIAL DIS-**
3 **CLOSURE STATEMENT.**

4 Section 104 of the Ethics in Government Act of 1978
5 is amended by adding at the end the following new sub-
6 section:

7 “(e) Whoever knowingly and willfully falsifies any in-
8 formation that the individual is required to report pursu-
9 ant to section 102 shall be fined under title 18, United
10 States Code, imprisoned not more than 1 year, or both.”.

11 **SEC. 203. INDEPENDENT COMMISSION REQUIRED TO AF-**
12 **FIRMATIVELY APPROVE ALL PRIVATELY**
13 **FUNDED TRAVEL BY MEMBERS AND STAFF.**

14 (a) IN GENERAL.—The commission established by
15 section 101 shall review, and shall promptly approve or
16 disapprove, any expense related to business travel by any
17 congressional employee that is paid for, or to be paid for,
18 by private funds pertaining to business.

19 (b) PROHIBITION.—A congressional employee may
20 not accept or engage in business travel the expenses of
21 which have not been approved in advance under subsection
22 (a).

1 **SEC. 204. FEDERAL PENSION REVOKED IF MEMBER OR**
2 **STAFF IS CONVICTED OF ANY FEDERAL OF-**
3 **FENSE RELATED TO BRIBERY.**

4 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
5 8332 of title 5, United States Code, is amended by adding
6 at the end the following:

7 “(o)(1) Notwithstanding any other provision of this
8 subchapter, the service of an individual finally convicted
9 of a Federal offense described in paragraph (2) shall not,
10 if or to the extent rendered as a Member or congressional
11 employee (irrespective of when rendered), be taken into
12 account for purposes of this subchapter. Any such indi-
13 vidual (or other person determined under section 8342(c),
14 if applicable) shall be entitled to be paid so much of such
15 individual’s lump-sum credit as is attributable to service
16 to which the preceding sentence applies.

17 “(2) An offense described in this paragraph is bribery
18 or conspiracy to commit bribery, committed after the date
19 of the enactment of this subsection.”.

20 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
21 Section 8411 of title 5, United States Code, is amended
22 by adding at the end the following:

23 “(i)(1) Notwithstanding any other provision of this
24 subchapter, the service of an individual finally convicted
25 of a Federal offense described in paragraph (2) shall not,
26 if or to the extent rendered as a Member or congressional

1 employee (irrespective of when rendered), be taken into
 2 account for purposes of this subchapter. Any such indi-
 3 vidual (or other person determined under section 8424(d),
 4 if applicable) shall be entitled to be paid so much of such
 5 individual's lump-sum credit as is attributable to service
 6 to which the preceding sentence applies.

7 “(2) An offense described in this paragraph is bribery
 8 or conspiracy to commit bribery, committed after the date
 9 of the enactment of this subsection.”.

10 **TITLE III—INDIAN GAMBLING** 11 **REFORM**

12 **SEC. 301. INDIAN GAMBLING REFORM.**

13 (a) GAMING INVESTORS.—Section 7(b)(3) of the In-
 14 dian Gaming Regulatory Act (25 U.S.C. 2706(b)(3)) is
 15 amended to read as follows:

16 “(3) shall conduct or cause to be conducted
 17 background investigations on the 10 persons or enti-
 18 ties with the highest financial interest (such as
 19 loans, debt-based financing, financial backing for
 20 equipment or other startup or operation costs, and
 21 other financial interests as determined by the Com-
 22 mission) in a gaming operation regulated by the
 23 Commission and such other background investiga-
 24 tions as may be necessary;”.

1 (b) TRIBAL GAMING OFFICIALS.—Section
2 11(b)(2)(F)(i) of the Indian Gaming Regulatory Act (25
3 U.S.C. 2710(b)(2)(F)(i)) is amended—

4 (1) by striking “conducted on” the first place
5 it appears and inserting “conducted by the Commis-
6 sion on tribal gaming commissioners, key tribal gam-
7 ing commission employees, and”; and

8 (2) by striking “such officials and their man-
9 agement” and inserting “such individuals”.

10 (c) APPROVAL OF FINANCIAL INTERESTS.—Section
11 6 of the Indian Gaming Regulatory Act (25 U.S.C. 2705)
12 is amended—

13 (1) in paragraph (3), by striking “; and” and
14 inserting a semicolon;

15 (2) in paragraph (4), by striking the period and
16 inserting “; and”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(4) approve financial interests between the 10
20 persons or entities with the highest financial interest
21 (such as loans, debt-based financing, financial back-
22 ing for equipment or other startup or operation
23 costs, and other financial interests as determined by
24 the Commission) and a gaming operation regulated
25 by the Commission.”.

1 (d) COMMISSION FUNDING.—Section 18(a)(2)(B) of
2 the Indian Gaming Regulatory Act (25 U.S.C.
3 2717(a)(2)(B)) is amended by striking “\$8,000,000” and
4 inserting “\$16,000,000”.

5 (e) CLASS II GAMING.—Section 11(b)(1) of the In-
6 dian Gaming Regulatory Act (25 U.S.C. 2710(b)(1)) is
7 amended—

8 (1) in subparagraph (A), by striking “and” at
9 the end;

10 (2) in subparagraph (B), by striking the period
11 and inserting “; and”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(C)(i) conducted on lands taken into trust
15 before the date of the enactment of this sub-
16 paragraph; or

17 “(ii) conducted on lands taken into
18 trust after the date of the enactment of
19 this subparagraph only if the application
20 requesting that the land be taken into
21 trust stated that the Indian tribe intended
22 to conduct gaming activities on such
23 land.”.

1 (f) CLASS III GAMING.—Section 11(d)(1) of the In-
2 dian Gaming Regulatory Act (25 U.S.C. 2710(d)(1)) is
3 amended—

4 (1) in subparagraph (B), by striking “and” at
5 the end;

6 (2) in subparagraph (C), by striking the period
7 and inserting “; and”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(D)(i) conducted on lands taken into
11 trust before the date of the enactment of this
12 subparagraph; or

13 “(ii) conducted on lands taken into
14 trust after the date of the enactment of
15 this subparagraph only if the application
16 requesting that the land be taken into
17 trust stated that the Indian tribe intended
18 to conduct gaming activities on such
19 land.”.

20 (g) APPROVAL OF COMPACTS BY STATE.—Section
21 11(d) of the Indian Gaming Regulatory Act (25 U.S.C.
22 2710(d)) is amended by adding at the end the following
23 new paragraph:

24 “(10) For the purposes of State approval under
25 this subsection, the term ‘State’ shall mean the Gov-

ernor of the State and the legislative body of the State.”.

(h) RESTRICTION ON GAMING.—

(1) AMENDMENTS.—Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(A) by amending paragraph (1) of subsection (b) to read as follows:

“(1)(A) Subsection (a) shall not apply to Indian land of an Indian tribe if each of the conditions in subparagraph (B) are satisfied and the Indian tribe—

“(i) was newly recognized after October 17, 1988 (including those newly recognized under the Federal Acknowledgement Process at the Bureau of Indian Affairs);

“(ii) was restored by legislation, court decree, or any other process after having been terminated by Federal law; or

“(iii) on the date of the enactment of subsection (e), had no lands held in trust by the United States for the benefit of the Indian tribe, no reservation, and no lands held by the Indian tribe subject to restriction by the United States against alien-

1 ation over which the Indian tribe exercised
2 governmental power.

3 “(B) The conditions referred to in sub-
4 paragraph (A) are the following:

5 “(i) The Secretary determines that
6 the lands acquired in trust for the benefit
7 of the Indian tribe for the purposes of
8 gaming are lands within the State where
9 the Indian tribe has its primary geo-
10 graphic, social, and historical nexus to the
11 land.

12 “(ii) The Secretary determines that
13 the proposed gaming activity is in the best
14 interest of the Indian tribe, its tribal mem-
15 bers, and would not be detrimental to the
16 surrounding community.

17 “(iii) The State, city, county, town,
18 parish, village, and other general purpose
19 political subdivisions of the State with au-
20 thority over land that is concurrent or con-
21 tiguous to the lands acquired in trust for
22 the benefit of the Indian tribe for the pur-
23 poses of gaming approve.”; and

24 (B) by adding at the end the following new
25 subsection:

1 “(e) Notwithstanding any other provision of this Act,
 2 an Indian tribe may conduct gaming regulated by this Act
 3 on only one contiguous parcel of Indian lands. Such Indian
 4 lands must be located where that Indian tribe has its pri-
 5 mary geographic, social, and historical nexus and within
 6 the State or States where the Indian tribe is primarily
 7 located.”.

8 (2) STATUTORY CONSTRUCTION.—The amend-
 9 ments made by paragraph (1) shall be applied pro-
 10 spectively. Compacts or other agreements that gov-
 11 ern gaming regulated by the Indian Gaming Regu-
 12 latory Act that were in effect on the date of the en-
 13 actment of this Act shall not be affected by the
 14 amendments made by paragraph (1).

15 **TITLE IV—CLOSING LOOPHOLES** 16 **IN CAMPAIGN FINANCE LAW**

17 **SEC. 401. TREATMENT OF INDIAN TRIBES AS CORPORA-** 18 **TIONS FOR PURPOSES OF REGULATION OF** 19 **CAMPAIGN SPENDING.**

20 (a) IN GENERAL.—Section 316 of the Federal Elec-
 21 tion Campaign Act of 1971 (2 U.S.C. 441b) is amended
 22 by adding at the end the following new subsection:

23 “(d) TREATMENT OF INDIAN TRIBES AS CORPORA-
 24 TIONS.—

1 “(1) IN GENERAL.—For purposes of this sec-
 2 tion, the term ‘corporation’ includes an unincor-
 3 porated Indian tribe.

4 “(2) TREATMENT OF MEMBERS AS STOCK-
 5 HOLDERS.—In applying this subsection, the mem-
 6 bers of an unincorporated Indian tribe shall be
 7 treated in the same manner as the stockholders of
 8 a corporation.”.

9 (b) EFFECTIVE DATE.—The amendment made by
 10 subsection (a) shall apply with respect to elections occur-
 11 ring after December 2006.

12 **SEC. 402. PROHIBITING SECTION 527 ORGANIZATIONS**
 13 **FROM DISBURSING FUNDS FOR ELECTION-**
 14 **EERING COMMUNICATIONS.**

15 (a) PROHIBITION.—Title III of the Federal Election
 16 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
 17 by adding at the end the following new section:

18 “PROHIBITING SECTION 527 ORGANIZATIONS FROM DIS-
 19 BURSING FUNDS FOR ELECTIONEERING COMMUNICA-
 20 TIONS

21 “SEC. 325. (a) PROHIBITION.—

22 “(1) IN GENERAL.—A section 527 organization
 23 may not make any disbursement for any election-
 24 eering communication (as defined in section
 25 304(f)(3)).

1 “(2) COVERAGE OF DIRECT OR INDIRECT PAY-
2 MENTS.—For purposes of paragraph (1), an elec-
3 tioneering communication shall be treated as made
4 by a section 527 organization if the organization di-
5 rectly or indirectly disburses any amount for any of
6 the costs of the communication.

7 “(b) DEFINITION.—In this section, the term ‘section
8 527 organization’ means, with respect to disbursements
9 made in a taxable year, an entity treated as a political
10 organization under section 527 of the Internal Revenue
11 Code of 1986 for such taxable year, except that such term
12 does not include a political committee.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply with respect to disbursements
15 made on or after the date of the enactment of this Act.

○